UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
DAGNEW, SABA

ART UNIT	PAPER NUMBER
3688	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 August 2009*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *6-8,10-17,19,20 and 23-31* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *6-8,10-17,19,20 and 23-31* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
      Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
      Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Status of Claims

This action is in reply to the amendment filed on 17 August 2009. Claims 6, 16,

25, 27, 28 and 31 have been amended. Claims 6-8, 10-17, 19, 20, and 23-31 are

currently pending and have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6-8, 10-15 23-24, and 26, are rejected under 35 U.S.C. 102(e) as being

anticipated by Radwin (7,007,074 B2).

With respect to claims 6 and 26, Radwin teaches a method of using one or more

processors to distribute Internet advertisement to users comprising:

with a processor, defining a plurality of advertising strategies *each* advertising

strategy specifying a plurlity of advertisements, a plurality of search terms, and an

arbitrary time duration *(abstract, where "immediate advertisement and time-dependent*

*advertisement" reads on advertising strategies,   **Col. 1, lines 30-38,** which teaches a*

*term is searched during a period of time **and Col. 3, lines 19-37,** which teaches*

"immediate advertisement associated with search terms and time-dependent

advertisement presentation to the user until the period of time expires (duration time));
and

with a processor, assigning cookies to users of a search interface *(Fig. 8, 808*

and Col. 13, lines 19-22 and Col. 14, lines 8-14, where "setting cookies" reads on

assigning cookies)

with a processor storing the collected search terms for each user in association

with each user's cookie*(Col. 13, lines 19-33 and Col. 14, liens 8-14,* which teaches

cookie contains an encrypted version of the ad type) ;

for each of a plurality of users *(Col. 7, lines 21-28,* which teaches accessing

records for each of the users), based on the collected search terms (*Fig. 6, 602, where*

"receive search terms" reads on collected search terms), with a processor, selecting

advertising strategy to assign to the user by *(Col. 3, lines 19-37,* which teaches

repository includes immediate and time-dependent (time duration) search

characteristics associated with various search terms entered by user);

for each advertising strategy *(Abstract, where "immediate advertisements and*

time-dependent advertisements associated with search results" reads on advertising

strategies) ,

of the collected search terms *(Fig. 6, 602, where "receiving search terms"*

reads on collected search terms) re identifying those employed by the user *(Fig. 6, 604,*

where "store user search characteristics" reads on identifying those employed by user)

over an immediately preceding period equal to the time duration specified by the

advertising strategy *(Fig. 6, 616-620,* where "filtering out expired terms, select time-

delayed Ad, and present time-delayed ad" reads on preceding period equal to the time

duration specified by the advertising strategy);

comparing a set of search terms specified by the an advertising strategy (***Fig. 6,***

606 and 610) to the identified search terms to determine whether the user has

employed any of the search terms specified by the advertising strategy over the period ,

and ***(Fig. 6, 619 and 620, Col. 5, lines 65-67, Col. 6, lines 1-5,*** *which teaches*

*determining one search characteristics is a user ID associated with particular terms **and***

Col. 10, lines 16-25, *which teaches selecting the most appropriate advertisement,*

which accompany the search result (match or compared) and display advertisement as

a banner advertising strategy, ***Col. 11, lines 49-67 and Col. 12 lines 1-5***); and

if the user has employed any of the search terms specified by the advertising

strategy over the period, assigning the user to the advertising strategy ***(Fig. 6, 602,***

*where "receiving search terms" reads on collected search terms**, 604,** where "store user*

*search characteristics" reads on identifying those employed by user **and , 616-620,***

where "filtering out expired terms, select time- delayed Ad, and present time-delayed

ad" reads on preceding period equal to the time duration specified by the advertising

strategy); and

in response to a user visiting a publisher web site, after the user is assigned to

an advertising strategy ***(Col. 12, lines 17-22,*** *which teaches user selects a web page to*

view advertisement), selecting an advertising strategy to which the user is assigned

(Col. 3, lines 38-48, *teaches selecting the time –dependent advertisement),* and

enacting the selected advertising strategy to present an advertisement specified by with

the selected advertising strategy *(Fig. 6, 620 and Col. 12, lines 17-25, , which teaches user selects a web page (advertising strategy) to view advertisement, and displaying on web page by clicking hypertext links)*

With respect to claim 7, Radwin teaches all elements of claim 6. Furthermore, Radwin teaches the method wherein collecting a unique identifier associated with each user *(Fig. 3 where "user 0 ...user n" reads a unique indenter and Col. 15, lines 29-34).*

With respect to claim 8, Radwin teaches all elements of claim 6. Furthermore, Radwin teaches the method wherein a collecting search term includes collecting combinations of multiple search terms **(Col. 10, lines 5-15***).*

With respect to claim 10, Radwin teaches all elements of claim 6. Furthermore, Radwin teaches the method wherein assigning each user to an advertising strategy occurs before the user visits the publisher web site *(Col. 5, lines 28-32, where teaches a search query initiated to user before visiting web site).*

With respect to claim 11, Radwin teaches all elements of claim 6. Furthermore, Radwin teaches a method including with a processor providing a plurality of selected advertisement *(Col. 4, lines15- 18)*, each associated with a selected advertising strategy *(Col. 4, lines 21-23),* and wherein at least one the advertising strategies comprised a default strategy in which none of the selected advertisements are served *(Col. 14, lines 2- 7, where "run of the network advertisement" reads on default strategy).*

With respect to claims 11 and 12, Radwin teaches all elements of claims 6 and

11, furthermore, Radwin teaches the method further comprising:

determining that the identified search terms do not relate to one of a collection of

selected advertisements *(Fig. 8, 802, receiving terms, 804 matching (determining)*

keyword, 805, where no match, 806 teaches presenting non-keyword search ad); and

when it is determined that the identified search terms do not relate to one of a

collection of selected advertisements, serving an advertisement other that the selected

advertisement *(Fig. 8, 806 teaches presenting non-keyword search ad and **Col. 12.***

***lines 36-50,** which teaches filtering out advertisements that are not related to previously*

stored search term).

Radwin does not explicitly teach in claims 14 serving no advertisement if the

search terms do no relate to one of a collection of selected ads. However, that is

inherent when there is no result to execute because the search terms do not produce a

result/ad, which reads on serving no ad

Claim 15 is taught inherently because enacting/serving/executing cannot be at

the same instant as searching.

With respect to claim 23, Radwin teaches all elements of clam 1, the method of

claim 6 wherein collecting search terms comprises collecting a history of inquiries the

user has submitted over a predetermined length of time (***Fig. 3 Col. 7, lines 28-30,***

where "time stamp 77 identifies search term last used" reads submitted over

predetermined length of time).

With respect to claim 24, Radwin teaches all elements of claim 1. Furthermore,

Radwin teaches collecting search terms comprises collecting a history of all queries the

user has submitted to the search facility *(Col. 4, lines 34-39, where "storing search*

terms" reads on submitting to the search facility and Col. 7 teaches, lines 21-40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 16- 17, 19-20, 25, and 27-28 are rejected under 35 U.S.C. 103(a) as

being obvious over Radwin (7,007,074 B2) in view of Ponte (6,826,559 B1)

With respect to claim 16 and 27 a method of using one or more processors to

distribute Internet advertisements to users comprising:

for each a plurality of users *(Col. 2, lines 53-59, which teaches advertiser*

presents their advertisements to users based on presentation of search result),

with processor, collecting search terms employed by users of a search facility

(Col. 11, lines 49-56 , where "search terms stored for later use" reads on collecting

search terms) during each of a plurlity searches submitted by the user to the search

facility *(Fig. 6,602, 604, and 606, search terms submitted by user Col. 2, lines 53-59,*

which teaches advertiser presents their advertisements to users based on presentation

of search result reads on collecting search terms, and Col. 15, lines 10-13);

with processor, collecting a unique identifier associated with the user *(Fig. 3, 22*

user profile contain user unique identifier (User 0-n) associated with each user and Col.

6, lines 45-58);

with processor storing the search terms and unique identifiers in a database, with

each identifier associated with the search terms employed by the associated user *(Col.*

6, lines 1-10, where database is inherent);

in response to a user visiting a publisher web site, with a processor, determining

the user's unique identifier *(Fig. 3, where "user 0-n" reads on user identifier)*, searching

the database to determine an advertising strategy to which the user's unique identifier

was assigned prior to the user's current visit to the publisher web site (*Fig. 3, where*

"table" reads on database and Col. 6, lines 44-58), and serving to the user an

advertisement associated with the advertising strategy *(Col. 12, lines, 17-35, which*

teaches serving advertisements to user via web page (advertising strategy)

Radwin teaches all the above elements, including with processor, generating a

plurality of selected advertising strategies, each advertising strategy specifying a plurlity

of search terms an arbitrary time duration*(abstract, Col. 1, lines 30-38, which teaches*

a term is searched during a period of time and Col. 3, lines 19-37, which teaches

repository includes immediate and time-dependent (time duration) advertisements and

search characteristics associated with various search terms entered by user).

Radwin does not teach arbitrary Boolean search expression, based on the

search terms <u>and a plurlity of advertisements to be presented to users who have</u>

<u>employed a set of search terms satisfying the Boolean search expression, wherein the</u>

<u>Boolean search expression includes two or more search terms, the Boolean search</u>

<u>expression and the advertisements having been received from the same source;</u> with a

processor assigning identifiers to at least one of the advertising strategies by comparing

the search terms collected for the user to the Boolean search expression specified by

each advertising strategy.

However, Ponte teaches generating a plurality of advertising strategies, each

with an associated Boolean search expression *(Col. 27, lines 19-22),* the Boolean

search expression corresponding to search terms associated with the associated

advertising strategy *(Col. 27, lines 26-35);* and

<u>a plurlity of advertisements to be presented to users who have employed a set of</u>

<u>search terms satisfying</u> <u>the Boolean search expression, wherein the Boolean search</u>

<u>expression includes two or more search terms</u> *(Fig. 13, 1802, and 1804, teaches a set*

of search terms, and where "shoes, and states Boston and MA" reads on two or more

search terms that satisfy Boolean search expression and), <u>the Boolean search</u>

<u>expression and the advertisements having been received from the same source</u> *(Fig.*

14, teach list of search result (advertisements))<u>;</u>

assigning identifiers to at least one of the advertising strategies (by comparing

the search terms collected for the user to the Boolean search expression associated

with each advertising strategy *(Col. 27, lines 1-23).* Therefore, it would have been

obvious to the one ordinary skill in the art at the time invention to include Boolean

search expression as taught by Ponte into the system of Radwin in order to provide

user with efficient search system.

Radwin in view of Ponte teaches claim 16. Additionally, Radwin addressed

claim 17 by the rejection of claim 8 as cited above.

Radwin in view of Ponte teaches claim 16. Additionally, Radwin addressed claim

19 by the rejection of clam 11 as cited above.

Radwin in view of Ponte teaches claim 16. Additionally Radwin addressed clam

20 by the rejection of claim 12 as cited above.

With respect to claims 25 and 28, Radwin in view of Ponte teaches all elements

of claim 27, except Boolean search expression associated with at least one of the

selected advertising strategies incorporates a Boolean operator other than OR.

However, Ponte teaches Boolean search expression associated with at least one

of the selected advertising strategies incorporates a Boolean operator other than OR

(Col. 27, lines 25-35, where "AND" reads on Boolean operator other than OR).

Therefore, it would have been obvious to the one ordinary skill in the art at the time

invention to include Boolean search expression as taught by Ponte into the system of

Radwin in order to provide user with efficient search system.

With respect to claim 31, Radwin in view of Ponte teaches all elements of claim

16, except the Boolean search expression associated with each advertising strategy is

not supplied as part of a query.

However, Ponte teaches Boolean search expression associated with each advertising strategy is not supplied as part of a query *(Col. 24, lines 1-8, where "Boolean operator and" is a conjunctive of search term correspond to the formation of a subset).* Therefore, it would have been obvious to the one ordinary skill in the art at the time invention to include Boolean search expression as taught by Ponte into the system of Radwin in order to provide user with efficient search system.

Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radwin (7,007,074 B2).

With respect to claims 29 and 30, Radwin teaches all elements of claims 6, including and time-dependent and first search term is available during a period of time, *(Col. 3, lines 38-47),* time dependent advertisement available for presentation during a period of time until the time period expires *(Col. 5, lines 14-40)* and shorter the period of time between a selected web page and previously searched terms *(Col. 12, lines 30-35)* and same (common) search query matches against the advisements, and determine which of the two advertisements will be presented *(Col. 14, lines 19-28).* . Radwin does not explicitly teaches arbitrary time duration associated with a first advertising strategy is greater than the arbitrary time duration associated with a second advertising strategy. However, it would have been obvious to the one ordinary skill in the art at the time of the invention was made to include advertisement distribution scheduler in the system of Radwin in order to calculate the time that has elapsed between two advertisements.

Response to Arguments

Applicant's arguments filed 17 August 2009 (on pages 9-13) have been fully considered but they are not persuasive.

Applicant argued that he is unable to find any portion of Radwin that describes or suggests a plurlity of advertising strategies each specifying an arbitrary time duration. However, the examiner respectfully disagrees with the applicant because Radwin discloses a plurality of advertising strategies each specifying an arbitrary time duration *(Col. 3, lines 19-37, which teaches presentation to the user until the period of time expires (duration time Col. 5. lines 24-26, "time dependent" advertisements available for presentation until the time period expired and Col. 10, lines 55-63. which teaches search term previously used by the same user to perform an earlier until particular search term in no longer available (i.e. expired) and advertisements no longer available).* Thus, Radwin teaches that advertisements may be presented after different (e.g., immediate and time dependent) time durations. Furthermore, nothing in the current recitation of the claims precludes search terms from having the same durations. For example, time durations selected arbitrarily could be the same.

Applicant argued that Ponte fails to describe advertising strategies that specify Boolean search expression. However, the examiner respectfully disagrees with the applicant because Ponte teaches advertising strategies that specify Boolean search expression *(Col. 7, lines 34-35, which teaches several Boolean querying terms and*

Col. 13, lines 35-41, which teaches queries including Boolean search terms (e.g. *Col.*

1, lines 34-35, search terms targeted banner ads *Col. 23, lines 35-41*, where quires

includes Boolean search terms, where "quires" reads advertising strategy based on

applicant clarification *).*

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to SABA DAGNEW whose telephone number is (571)270-

3271. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert Weinhardt can be reached on (571) 272-6633. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. D. /   /C. Michelle Tarae/
Examiner, Art Unit 3688   Primary Examiner, Art Unit 3688